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## **Minutes BOARD OF ADJUSTMENT NOVEMBER 24, 2003**

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**The pre-session of the Board of Adjustment began at 6:20 p.m., in the Development Services Conference Room, 31 East Fifth Street, Tempe, Arizona.**

**Present:**

Cheri Edington, Chairman  
William Cleaveland  
Darin Sender  
Thomas Bourdo  
Jeff Winter

Steve Venker, Planning & Zoning Manager  
Sherri Lesser, Planner II  
Steve Abrahamson, Planner II  
Jon Christopher, Planner I  
Fred Brittingham, Project Manager

**Absent:**

Atis Krigers  
Robert Hunt  
Marc Jung

**There were 2 citizens at the pre-session.  
Pre-Session adjourned at 6:55 p.m.**

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**Minutes of the regular meeting of the Board of Adjustment, of the City of Tempe which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.**

**Present:**

Cheri Edington, Chairman  
William Cleaveland  
Darin Sender  
Thomas Bourdo  
Jeff Winter

Steve Venker, Planning & Zoning Manager  
Sherri Lesser, Planner II  
Steve Abrahamson, Planner II  
Jon Christopher, Planner I

**Absent:**

Atis Krigers  
Robert Hunt  
Marc Jung

**Number of Interested Citizens Present: 96**

**Meeting convened at 7:08 p.m. and was called to order by Chairman Cheri Edington.**

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On a motion by Bill Cleaveland; seconded by Thomas Bourdo, the Board by a vote of 4-0 approved the corrected Board of Adjustment minutes of October 22, 2003.

(Darin Sender abstained from this vote as she was not in attendance at the October 22, 2003 meeting.)

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**It was noted by Chairman Edington that the following case(s) have been continued:**

**ABATEMENT CASES**

**BA030136** Appeal by Complaint No. CE993801 to abate public nuisance items in violation of the Tempe City Code for the **BROWN RESIDENCE** located at 1208 West Malibu Drive in the R1-6, Single Family Residential District.  
**(CONTINUED FROM JUNE 17, 2003 HEARING OFFICER MEETING)**  
**(CONTINUED FROM JULY 23, 2003 BOARD OF ADJUSTMENT)**  
**(CONTINUED FROM AUGUST 27, 2003 BOARD OF ADJUSTMENT)**  
**(CONTINUED TO NOVEMBER 24, 2003 BOARD OF ADJUSTMENT)**  
**(CONTINUED TO DECEMBER 29, 2003 BOARD OF ADJUSTMENT)**

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**On a motion by Bill Cleaveland, seconded by Thomas Bourdo, the Board by a vote of 5-0 approved the following consent item(s) with the conditions of approval as listed below:**

**BA030228** Request by the **QUIKTRIP CORPORATION** for the following located at 1116 East Broadway Road in the C-2, General Commercial District:

- a. Variance to allow one (1) freestanding individual tenant identification sign in lieu of a center identification sign.
- b. Variance to allow a third freestanding tenant identification sign on the same street frontage.
- c. Variance to increase the maximum allowable sign area from 80 s.f. to 95.87 s.f.

**(CONTINUED FROM OCTOBER 7, 2003 HEARING OFFICER)**  
**(CONTINUED FROM NOVEMBER 4, 2003 HEARING OFFICER)**

Mr. Steve Bauer was present to represent this case.

Approved subject to the following conditions:

1. Any variance(s) not specifically requested by the applicant at this time will require separate processing.
2. All conditions of the Tempe Design Review Board/Staff shall be adhered to.
3. All permits and clearances required by the Building Safety Division shall be obtained prior to the variances becoming effective.

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**BA030241** Request by the **MEYERS RESIDENCE** for a variance to reduce the east side yard setback from 15 feet to 7 feet to allow a room addition located at 953 East Westchester Avenue in the R1-15, Single Family Residential District.  
**(CONTINUED FROM NOVEMBER 4, 2003 HEARING OFFICER)**

Mr. David Meyers was present to represent this case.

Approved subject to the following conditions:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to construction.
2. The second story addition shall be compatible with the principal residence in color, form, texture and material.

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**BA030250** Request by the **LONGACRE RESIDENCE** for a variance to reduce the west side yard setback from 7 feet to 3 feet to allow a carport located at 1807 East La Vieve Lane in the R1-7, Single Family Residential District.  
**(CONTINUED FROM NOVEMBER 4, 2003 HEARING OFFICER)**

Mr. Woody Longacre was present to represent this case.

Approved subject to the following conditions:

1. The variance is valid for the plans as submitted to and approved by the Hearing Officer.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permits becoming effective.
3. Any variances or use permits not specifically requested by the applicant at this time will require separate processing.
4. The proposed garage extension shall blend with the existing residence in color, form and material.

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**THE BOARD DISCUSSED THE FOLLOWING CASES:**

**BA030210    A.    VOTE FOR RECONSIDERATION OF THE APPROVAL BY THE BOARD OF ADJUSTMENT ON 24 SEPTEMBER 2003 FOR THE FOLLOWING:**

Request by **MAGGIE'S PLACE** for the following located at 1815 East Gemini Drive in the R1-7, Single Family Residential District:

- a.    Use Permit for a group home for pregnant women.
- b.    Variance to reduce the distance requirement between group home locations from 1,200 ft. to 530 ft.

**B. IF RECONSIDERATION OF ITEM 'A' ABOVE IS APPROVED, THEN THE BOARD WILL REHEAR THE ABOVE MENTIONED CASE.**

**(CONTINUED FROM OCTOBER 22, 2003 BOARD OF ADJUSTMENT)**

Mr. Kenneth Hooker was present to represent this case. Jeff Winter recused himself from this case due to a conflict of interest.

Due to a short Board, Mr. Hooker, of 1847 East Gemini Drive, who requested the reconsideration, requested that this meeting be continued to the December 29, 2003 Board of Adjustment meeting.

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**BA030240    Request by the **COSTIGAN RESIDENCE** for a use permit to allow a second story addition located at 9230 South Willow Drive in the R1-15, Single Family Residential District.**

**(CONTINUED FROM OCTOBER 21, 2003 HEARING OFFICER)**

**(CONTINUED FROM OCTOBER 22, 2003 BOARD OF ADJUSTMENT)**

Mr. Kevin Costigan was present to represent this case. Jeff Winter recused himself from this case due to a conflict of interest. Mr. Costigan presented the Board with a handout which itemized pertinent facts of the case and included photographs of neighboring residences who had similar second story additions.

**OPPOSITION:**

Mr. Anton Lawson, of 9227 South Juniper Street, submitted a letter of opposition to the Board outlining privacy issues for not supporting this request.

**DISCUSSION:**

Thomas Bourdo asked about the vacant lot next to the Costigan residence and questioned whether it would require a use permit for a two story house; Sherri Lesser responded that it would not. Bill Cleaveland asked why the staff is recommending approval; Jon Christopher responded that this request meets the Planning and Zoning Ordinance.

**MOTION:** Bill Cleaveland made a motion to approve BA030240 based on two (2) conditions of approval; Darin Sender seconded the motion.

**VOTE:** Approved 4 - 0  
(Jeff Winter recused himself due to a conflict of interest.)

Approved subject to the following conditions:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to construction.
2. The second story addition shall be compatible with the principal residence in color, form, texture and material.

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**BA030261** Request by **WALGREENS PLAZA – CITY LITE BUFFET** for a variance to waive the required mechanical equipment screen located at 19 East Broadway Road in the C-1, Neighborhood Commercial District.

Ms. Olivia Yang and Mr. Vincent Yang were present to represent this case.

**DISCUSSION:**

Ms. Olivia Yang explained that when the lease for this building was signed, the applicants had no idea of the screening requirements and the cost of screening was not anticipated.

Bill Cleaveland questioned what type of upgrades were required. Ms. Yang responded that 6 new HVAC units/exhaust fan vents were needed. It was noted that these would be visible to drivers northbound on Broadway Road.

Thomas Bourdo asked what would the screen wall size/height be? Jon Christopher replied that it would be 5 feet tall across the entire length of their space.

**MOTION:** Darin Sender made a motion to approve BA030261 based on three (3) conditions of approval amending Condition No. 1 to indicate the length of the parapet wall; Jeff Winter seconded the motion:

**VOTE:** Approved 5 to 0

Approved subject to the following conditions:

1. The proposed parapet shall **extend 40 feet beyond the southwest corner of the building and** be compatible with the building in color, texture and material. **AMENDED BY BOARD**
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the variance becoming effective.
3. The variance is valid for the plan as submitted to and approved by the Board of Adjustment.

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**BA030222**      **Appeal by Complaint No. 982294** to abate public nuisance items in violation of the Tempe City Code for the **CANZANO RESIDENCE** located at 2417 South Newberry Road in the R1-6, Single Family Residential District.

Mr. Robert Canzano was present to represent this case.

**MOTION:**      Due to confusion over the notification process, Thomas Bourdo made a motion to continue case BA030222 to the December 29, 2003 Board of Adjustment meeting; Darin Sender seconded the motion:

**VOTE:**          Approved 5-0

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**BA030223**      **Appeal by Complaint No. 983229** to abate public nuisance items in violation of the Tempe City Code for **CANZANO PROPERTY** located at 1133 East Concorda Drive in the R1-6, Single Family Residential District.

Mr. Robert Canzano was present to represent this case.

**MOTION:**      Due to confusion over the notification process, Thomas Bourdo made a motion to continue case BA030223 to the December 29, 2003 Board of Adjustment meeting; Jeff Winter seconded the motion:

**VOTE:**          Approved 5-0

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The next Board of Adjustment meeting will be **December 29, 2003**.

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**There being no further business the meeting adjourned at 9:10 p.m.**

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Prepared by: Diane McGuire, Administrative Assistant II

Reviewed by:

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Steve Venker, Planning & Zoning Manager

SV:dm